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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,786	11/13/2001	John Barnes	220772008900	5825
25226	7590	12/08/2004	EXAMINER	
MORRISON & FOERSTER LLP			LEUNG, JENNIFER A	
755 PAGE MILL RD			ART UNIT	
PALO ALTO, CA 94304-1018			PAPER NUMBER	

1764

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,786

Applicant(s)

BARNES, JOHN

Examiner

Jennifer A. Leung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-144 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-144 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

- I. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-47, drawn to a support structure comprising at least two branched segments, each segment comprising a plurality of struts connected to define substantially parallel alternate consecutive struts, classified in class 422, subclass 311; class 248, subclass 560+.
 - II. Claims 48-90, drawn to a support structure comprising at least three branched segments, each segment comprising a primary strut and a plurality of secondary struts, classified in class 422, subclass 311; class 248, subclass 560+.
 - III. Claims 91-96, drawn to a support structure comprising an outer ring, a plurality of primary struts, and a plurality of cantilevered struts, classified in class 422, subclass 311; class 248, subclass 560+, 629.
 - IV. Claims 97-111, drawn to a support structure comprising an outer ring and a plurality of struts movably connected at the outer ring, classified in class 422, subclass 311; class 248, subclass 560+.
 - V. Claims 112-126, drawn to a support structure comprising an outer ring and a plurality of struts, with at least one strut movably connected to an outer containment, classified in class 422, subclass 311; class 248, subclass 560+.
 - VI. Claims 127-132, drawn to a support structure comprising a plurality of struts, each strut comprising a first portion and a second portion connected with relative movement, classified in class 422, subclass 311; class 248, subclass 560+.

- VII. Claim 133, drawn to a support structure comprising a plurality of struts that provide a substantially uniform contact stress with respect to a portion of a catalyst, classified in class 422, subclasses 211, 311; class 248, subclass 560+.
- VIII. Claims 134-136, drawn to a support structure comprising a plurality of struts that expand or contract as temperature changes, classified in class 422, subclasses 221, 311; class 248, subclass 560+.
- IX. Claims 137-144, drawn to a support structure comprising a plurality of struts forming at least two branched segments, including a first strut and at least a second strut, classified in class 422, subclass 311; class 248, subclass 560+.

2. The inventions are distinct, each from the other because of the following reasons:

Invention I is unrelated to Inventions II-IX. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP §806.04, §808.01). In the instant case, the different inventions are not connected in design, operation, or effect and therefore the facts relied on for this conclusion are in essence the reasons for insisting upon restriction.

Invention II is unrelated to Inventions I and III-IX. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP §806.04, §808.01). In the instant case, the different inventions are not connected in design, operation, or effect and therefore the facts relied on for this conclusion are in essence the reasons for insisting upon restriction.

Invention III is unrelated to Inventions I, II and IV-IX. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of

operation, different functions, or different effects (MPEP §806.04, §808.01). In the instant case, the different inventions are not connected in design, operation, or effect and therefore the facts relied on for this conclusion are in essence the reasons for insisting upon restriction.

Invention IV is unrelated to Inventions I-III and V-IX. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP §806.04, §808.01). In the instant case, the different inventions are not connected in design, operation, or effect and therefore the facts relied on for this conclusion are in essence the reasons for insisting upon restriction.

Invention V is unrelated to Inventions I-IV and VI-IX. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP §806.04, §808.01). In the instant case, the different inventions are not connected in design, operation, or effect and therefore the facts relied on for this conclusion are in essence the reasons for insisting upon restriction.

Invention VI is unrelated to Inventions I-V and VII-IX. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP §806.04, §808.01). In the instant case, the different inventions are not connected in design, operation, or effect and therefore the facts relied on for this conclusion are in essence the reasons for insisting upon restriction.

Invention VII is unrelated to Inventions I-VI, VIII and IX. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP §806.04, §808.01). In the instant case, the different inventions are not connected in design, operation, or effect and

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therefore the facts relied on for this conclusion are in essence the reasons for insisting upon restriction.

Invention VIII is unrelated to Inventions I-VII and IX. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP §806.04, §808.01). In the instant case, the different inventions are not connected in design, operation, or effect and therefore the facts relied on for this conclusion are in essence the reasons for insisting upon restriction.

Inventions IX is unrelated to Inventions I-VIII. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP §806.04, §808.01). In the instant case, the different inventions are not connected in design, operation, or effect and therefore the facts relied on for this conclusion are in essence the reasons for insisting upon restriction.

3. Because these inventions are distinct for the reasons given above and the inventions have acquired a separate status in the art because of their recognized divergent subject matter, and/or the inventions have acquired a separate status in the art as shown by their different classification, and/or because the search required for one group is not required for another group, restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


Conclusion

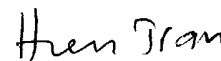
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Leung whose telephone number is (571) 272-1449. The examiner can normally be reached on 8:30 am - 5:30 pm M-F, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn A. Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer A. Leung

December 3, 2004 



**HIEN TRAN
PRIMARY EXAMINER**